

DEQ - OES

PUBLIC NOTICE 2007 MAR 21 PM 12:57

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
(LDEQ)

CLEAN HARBORS COLFAX, L.L.C.
OPEN BURNING/OPEN DETONATION (OB/OD) FACILITY

EVIDENTIARY HEARING
FOR
HAZARDOUS WASTE PERMIT APPLICATION

A P P E A R A N C E S

MR. CLIFTON BINGHAM PRESIDING OFFICIAL
FOR PROCEEDING

MR. STEVEN BEARD. LOUISIANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

MR. DAVID TAYLOR

MR. KEN MICHAELS. CLEAN HARBORS COLFAX, LLC

CENLA COURT REPORTING
P. O. BOX 141, EFFIE, LA 71331
(318)442-4494/(318)253-5544/1-877-736-7698

1 [BY MR. BINGHAM:]

2 Ladies and Gentlemen, we are here today for a
3 previewing conference in the matter of Clean
4 Harbors Colfax, L.L.C. Renewal Permit Application.
5 It's DEQ Agency Number 32096. This hearing is
6 being conducted or conference is being conducted on
7 this 15th day of March, 2007 in the meeting room of
8 the Colfax Town Hall located at 1208 Main Street,
9 Colfax, Louisiana, pursuant to public notice. The
10 time is now ten o'clock, is that correct?

11 BY COURT REPORTER: That's

12 correct.

13 The purpose of this previewing conference is
14 for the applicant, the Department of Environmental
15 Quality and any interested parties or intervenors
16 to get together and discuss whether they have any
17 issues before the hearing which is set for next
18 week in Baton Rouge. Would the representatives of
19 DEQ please make your appearance for the record?

20 BY MR. BEARD: I'm Steven Beard

21 on behalf of the Department of
22 Environmental Quality.

23 [BY MR. BINGHAM:]

24 And would the representatives of Clean Harbors
25 make your appearance?

1 BY MR. TAYLOR: I'm Dave
2 Taylor, Clean Harbors.

3 [BY MR. BINGHAM:]

4 Okay. Are there any intervenors or interested
5 parties other than the participants? Okay. Mr.
6 Taylor, are you aware of any intervenors? Have you
7 received any notice of any intervenors in the suit
8 -- in this proceeding?

9 BY MR. BEARD: You mean Mr.
10 Beard?

11 [BY MR. BINGHAM:]

12 I mean Mr. Beard, I'm sorry.

13 BY MR. BEARD: DEQ has not
14 received any notice of any
15 intervention by any parties.

16 [BY MR. BINGHAM:]

17 And how about Clean Harbors, have ya'll
18 received any notice or anything?

19 BY MR. TAYLOR: No, sir.

20 [BY MR. BINGHAM:]

21 Okay. And has everyone signed the sign-in
22 sheet in the back of the room? Mr. Beard do you
23 have any documents that you plan to introduce at
24 this hearing -- at this conference?

25 BY MR. BEARD: Yes. We have

1 four exhibits we plan to introduce.

2 [BY MR. BINGHAM:]

3 Okay. Would you go on and introduce those
4 documents?

5 [BY MR. BEARD:]

6 The Department of Environmental Quality would
7 like to introduce these exhibits for submittal into
8 the record of this matter. The first exhibit,
9 which will be marked "DEQ Exhibit Number 1," is a
10 two mile radius map accompanied by a two mile arial
11 map showing the location of the facility. The
12 second exhibit, which is marked "DEQ Number 2," are
13 copies of the public notices and verification of
14 publication by the facility which were placed into
15 the *Baton Rouge Advocate*, *The Town Talk of*
16 *Alexandria* and *The Chronicle of Colfax*. "Exhibit
17 Number 3," which is marked "DEQ 3," is proof of
18 announcements of public notice by KVDP Radio FM in
19 Dry Prong. And "Exhibit Number 4," which is marked
20 "DEQ 4," is a verification of receipt, which is
21 the receipt showing that a copy of this Hazardous
22 Waste Permit Application and related information
23 has been placed into the Grant Parish library,
24 Colfax branch. And those are the four exhibits
25 that the Department wishes to place for the record.

1 [BY MR. BINGHAM:]

2 Is there any opposition or questions from
3 Clean Harbors as to those admissions?

4 BY MR. TAYLOR: No.

5 [BY MR. BINGHAM:]

6 Okay. Let them be admitted and attached to
7 the record. Just for the record, my name is
8 Clifton Bingham. I'm an attorney practicing law in
9 Baton Rouge, Louisiana. Been practicing law for
10 thirty-three plus years now, most of that time as a
11 private practice. I did serve fourteen years with
12 the Attorney General's Office as Deputy Attorney
13 General. I've been engaged by the Department of
14 Environmental Quality to act as hearing officer,
15 presiding officer in the prelim hearing, the
16 evidentiary hearing. I want ya'll to understand
17 my, my position is not to make in rulings of fact.
18 I will not make any decisions. I'm here to make a
19 record of these proceedings and pass that on to DEQ
20 so they can make whatever decision they need to
21 make. In the interest of fair disclosure for
22 everyone, I do want to, you know, advise ya'll
23 that I do represent the Department of Environmental
24 Quality in some litigation against the Department.
25 I've been retained by -- appointed by the Attorney

1 General Foti as a special assistant attorney
2 general on those matters and actually engaged by
3 the State of Louisiana's Office of Risk Management,
4 which is DEQ's insurance company for lack of a
5 better word. I reviewed those matters. None of
6 them involve Clean Harbors and I don't see any
7 conflict of interest whatsoever, but I did want to
8 disclose that to you. In the event you would like
9 to see a list of cases, I'd make that available to
10 you. Did ya'll have any objection to me acting as
11 presiding officer in this matter, which, like I
12 say, if you to see a list of cases, I'll be happy
13 to provide them for you.

14 This is a renewal contract -- permit for
15 renewal of the operations. Are both parties
16 satisfied that all of the necessary pre-trial
17 notifications or prehearing notifications have been
18 made in this case?

19 BY MR. BEARD: Yes.

20 BY MR. TAYLOR: Yes.

21 [BY MR. BINGHAM:]

22 Okay. Are there any disputes or any issues as
23 to any documents, evidentiary issues which will
24 come up at the hearing?

25 BY MR. TAYLOR: Not that we are

1 aware.

2 [BY MR. BINGHAM:]

3 Okay. DEQ?

4 BY MR. BEARD: No.

5 [BY MR. BINGHAM:]

6 Okay. Are both -- both parties have received
7 and exchanged any documents that are going to be
8 introduced at the hearing?

9 BY MR. BEARD: I believe. The
10 parties should have whatever they
11 may need for the hearing next week.

12 [BY MR. BINGHAM:]

13 Okay. Any dispute or issues as to any
14 witnesses that will be called at the hearing?

15 BY MR. BEARD: I believe there
16 are none that exist, no.

17 [BY MR. BINGHAM:]

18 Okay. Do you have an idea of how much time it
19 will take, how many witnesses from each side will
20 be presenting evidence?

21 BY MR. BEARD: Given the fact
22 that there are no intervenors in
23 this case, I predict it will be very
24 minimal and the hearing should go by
25 pretty quickly.

1 [BY MR. BINGHAM:]

2 Okay. Does DEQ currently have all of the
3 documents that you are going to submit?

4 BY MR. BEARD: I believe we do,
5 yes.

6 [BY MR. BINGHAM:]

7 Could you burn me a CD of those and get them
8 to me Monday just to make sure that at least I can
9 look through them before we have the hearing?

10 BY MR. BEARD: Okay. That can
11 be done.

12 [BY MR. BINGHAM:]

13 And if, you know, Clean Harbors has anything
14 that's not in DEQ's documents, if you would let me
15 know and provide me a copy before the hearing and
16 that way I can look at them.

17 BY MR. TAYLOR: Okay.

18 [BY MR. BINGHAM:]

19 Okay. And DEQ doesn't need any subpoenas
20 issued in this matter?

21 BY MR. BEARD: No subpoenas
22 needed.

23 [BY MR. BINGHAM:]

24 Okay. Does either party have any issues or
25 anything that we need to discuss at this hearing?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY PARTIES: No oral response.

[BY MR. BINGHAM:]

Okay. I'll ask again if there's any
intervenor or interested party to this permit
application? Okay. Hearing none, the parties
have nothing further to discuss. I'll see you next
week at the evidentiary hearing.

BY MR. BEARD: Thank you.

BY MR. TAYLOR: Than you.

PROCEEDING CONCLUDED 10:12 A.M.

CERTIFICATE

STATE OF LOUISIANA

PARISH OF AVOYELLES

I, DIANNE RYLAND, Certified Court Reporter, do hereby certify, as the officer before whom the above testimony was taken, that the foregoing transcript was recorded by me, prepared and transcribed by me or at my direction, and is a valid transcript only when accompanied by my signature and original seal on this page.

I FURTHER CERTIFY that the foregoing constitutes a true and correct transcription of the recording of the Evidentiary Hearing For Hazardous Waste Permit Application, March 15, 2007 as shown in the foregoing transcript.

I FURTHER CERTIFY that I am not related to any of the parties in this suit, am not of counsel for any of them, and have no financial interest in the outcome hereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature at Effie, Louisiana, this 19th day of March, 2007.

DIANNE RYLAND, CCR #91179